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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,063	07/15/1999	JOHN CRESCENTI	044463.0013	4554
29858	7590	03/09/2006	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP			COLBERT, ELLA	
900 THIRD AVENUE			ART UNIT	
NEW YORK, NY 10022			PAPER NUMBER	

3624

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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*09/354,063**07/15/1999**JOHN CRESCENTI**044463.0013*

EXAMINER

*E. Colbert*

ART UNIT

PAPER

*3624*

30106

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Commissioner for Patents

### **DETAILED ACTION**

1. Claims 52-87 are pending. Claims 52-87 have been amended in this communication filed 12/16/05 entered as Response After Non-Final Action and Request for Extension of Time.
2. The Drawings submitted 12/16/05 have been reviewed. The objections to the drawings have been overcome by Applicants' submitted drawings and are hereby withdrawn.
3. The 35 USC 112, second paragraph rejection from the Office Action of 5/31/05 has been overcome by Applicants' amendments to claims 52, 65, and 78 and is hereby withdrawn.
4. The 35 USC 101 Rejection of claims 52-87 has been overcome by Applicants' amendment to the claims and is hereby withdrawn.

### ***Specification***

5. The Specification is objected to because it has been noted the amended Specifications filed 7/15/05 and 09/02/03 has pages 3-8, 10, 12-16, 18, 21 and 25-31 missing. The Specification is replete with grammatical errors, misspelled words, and words missing in sentences. For example, on page 9, line 22 of the "Clean Version of Specification", recites "... contacting the and directing the client". It is unclear what is supposed to be in the sentence. Do Applicants' mean "... contacting and directing the client"? The "Clean Version of Specification", on page 11, lines 6 and 14 recites "the manager module 115 could indicate the specific media module or modules to which ... media module 126. there, the media module 126 would be direct the actual archive of

the". These lines would be better recited "The manager module 115 could indicate the specific media module or modules to which ... media module 126. There, the media module 126 would be direct the actual archive of the". Page 17, lines 10, 18, and 23 of the "SUBSTITUTE PAGE" recite "copy of the file 710, 710a, is maintained separately ... current altered version of the file 740" "than one client component 820, as well as more than one media component" . These lines would be better recited "copy of the file 710, and 710a, is maintained separately ... current altered version of the file 740. "... than one client component 820, as well as more than one media component." A period (.) is need after 740 and after component.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Correction is required. See MPEP § 608.01(b).

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

### ***Claim Objections***

6. Claims 53, 54, 66, 67, and 78- 80 are objected to because of the following informalities: Claim 53, page 3, line 1 recites "... to control backup and retrieval of data to the storage". This line would be better recited "... to control the backup and retrieval of data to the storage". Claim 54, page 3, lines 4-6 recites " configured to control backup and retrieval of data to the storage device and physically media ... software

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module configured to control physical media". These lines would be better recited "configured to control the backup and retrieval of data to the storage device and the physical media ... software module configured to control the physical media". Claim 66, page 5, line 5 recites "and managing the physical transfer of data to and from the storage device using". This line would be better recited "and to manage the physical transfer of data to and from the storage device using". Claim 67, page 6, line 1 recites "software module configured to control physical media". This line would be better recited "software module configured to control the physical media". Claim 78, page 7, line 17 recites "device each of the media software components comprising at least one software". Do Applicants' mean "device with each of the media software components comprising at least one software"? Claim 79, page 8, line 5 recites "managing the physical transfer of data to and from the storage device using the second". This line would be better recited "manage the physical transfer of data to and from the storage device using the second". Claim 80, page 8, line 6 recites "... control physical media". This line would be better recited "... control the physical media". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 52, 65, and 78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 52, page 2, lines 19 and 22 read "...

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device where particular ... storage device where particular information is located". The usage of the term "particular" is considered vague and indefinite. Any information can be "particular". The word "particular" is defined as "a separate part of a whole; (2) an individual fact, point, circumstance, or detail; (b) a specific item or detail of information or news." Claims 65 and 78 have a similar problem.

### **Conclusion**

9. The Allowance still stands once the above matters have been resolved.

### **Inquiries**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

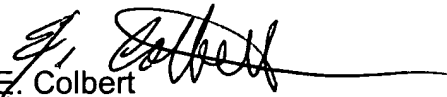
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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A handwritten signature in black ink, appearing to read 'E. Colbert', with a long horizontal flourish extending to the right.

E. Colbert  
Primary Examiner

March 1, 2006